

By: Zaffirini

S.B. No. 63

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the electronic filing of reports of political
3 contributions and expenditures and of personal financial
4 statements by certain officeholders and candidates and the content
5 of those statements; creating a criminal offense.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 254.036, Election Code, is amended by
8 adding Subsection (f-1) to read as follows:

9 (f-1) A report filed under this chapter with an authority
10 other than the commission may be filed electronically by using
11 computer software developed by the commission, if the authority
12 with whom the report is required to be filed has adopted rules and
13 procedures to provide for the filing of the report using the
14 software.

15 SECTION 2. Sections 571.0671(a), (b), and (c), Government
16 Code, are amended to read as follows:

17 (a) Computer software provided or approved by the
18 commission for use under Section 254.036(b), Election Code, or
19 Section 302.013, ~~or~~ 305.0064, or 572.0291 must:

20 (1) use a standardized format for the entry of names,
21 addresses, and zip codes;

22 (2) provide for secure and encoded transmission of
23 data from the computer of a person filing a report to the computers
24 used by the commission;

1 (3) be capable of being used by a person with basic
2 computing skills;

3 (4) provide confirmation to a person filing a report
4 that the report was properly received; and

5 (5) permit a person using a computer to prepare a
6 report or to retrieve information from a report to import
7 information to the report from a variety of computer software
8 applications that meet commission specifications for a standard
9 file format or export information from the report to a variety of
10 computer software applications that meet commission specifications
11 for a standard file format without the need to reenter information.

12 (b) Before determining the specifications for computer
13 software developed, purchased, or licensed for use under Section
14 254.036, Election Code, or Section 302.013, ~~[or]~~ 305.0064, or
15 572.0291, the commission shall conduct at least one public hearing
16 to discuss the specifications. For at least 10 days following the
17 hearing, the commission shall accept public comments concerning the
18 software specifications.

19 (c) The commission may provide software for use under
20 Section 254.036(b), Election Code, or Section 302.013, ~~[or]~~
21 305.0064, or 572.0291 by making the software available on the
22 Internet. If the commission makes the software available on the
23 Internet, the commission is not required to provide the software on
24 computer diskettes, CD-ROMs, or other storage media without charge
25 to persons required to file reports under that section, but may
26 charge a fee for providing the software on storage media. A fee
27 under this subsection may not exceed the cost to the commission of

1 providing the software.

2 SECTION 3. Section [572.023](#), Government Code, is amended by
3 adding Subsections (e) and (f) to read as follows:

4 (e) Each financial statement filed with a filing authority
5 other than the commission that is not filed electronically must be
6 accompanied by an affidavit executed by the person required to file
7 the financial statement. The affidavit must contain the statement:
8 "I swear, or affirm, under penalty of perjury, that the
9 accompanying financial statement is true and correct and includes
10 all information required to be reported by me under Chapter [572](#) of
11 the Government Code." A financial statement filed under this
12 chapter is considered to be under oath by the person required to
13 file the financial statement, and the person is subject to
14 prosecution under Chapter [37](#), Penal Code, regardless of the absence
15 of or a defect in the affidavit.

16 (f) A person who electronically files a financial statement
17 with the commission or another filing authority is not required to
18 include a notarized affidavit with the financial statement if the
19 person:

20 (1) has requested and received an electronic filing
21 password pursuant to the rules of the commission or other
22 authority, as applicable; and

23 (2) uses that password to file the financial
24 statement.

25 SECTION 4. Section [145.004](#), Local Government Code, is
26 amended by adding Subsection (h) to read as follows:

27 (h) A financial statement filed under this chapter may be

1 filed electronically by using computer software developed by the
2 Texas Ethics Commission if the clerk or secretary of the
3 municipality with whom the statement is required to be filed has
4 adopted rules and procedures to provide for the filing of the
5 statement using the software.

6 SECTION 5. Section 159.004(f), Local Government Code, is
7 amended to read as follows:

8 (f) A county clerk may adopt rules and procedures under this
9 section relating only to the manner in which a person must
10 electronically file a financial statement and the required format
11 of an electronically filed statement. Those rules may allow a
12 person to file a statement electronically by using computer
13 software developed by the Texas Ethics Commission.

14 SECTION 6. Section 159.0341(b), Local Government Code, is
15 amended to read as follows:

16 (b) An officer with whom a report is required to be filed
17 under this subchapter may adopt rules and procedures under this
18 section relating only to the manner in which a person must
19 electronically file a report and the required format of an
20 electronically filed report. Those rules may allow a person to file
21 a report electronically by using computer software developed by the
22 Texas Ethics Commission.

23 SECTION 7. Section 159.053, Local Government Code, is
24 amended by adding Subsection (d) to read as follows:

25 (d) A financial statement filed under this subchapter may be
26 filed electronically by using computer software developed by the
27 commission if the county clerk with whom the statement is required

1 to be filed has adopted rules and procedures to provide for the
2 filing of the statement using the software.

3 SECTION 8. Section [572.023](#), Government Code, as amended by
4 this Act, applies only to a financial statement due on or after the
5 effective date of this Act. A financial statement due before the
6 effective date of this Act is governed by the law in effect on the
7 date the financial statement was due, and the former law is
8 continued in effect for that purpose.

9 SECTION 9. This Act takes effect September 1, 2017.